

*The following comment transcription is from oral testimony taken April 5, 2016 at a public hearing held within Building C of South Seattle Community College's Georgetown campus located at 6737 Corson Avenue South, Seattle, Washington. Reporter: Mary Jo Fratella, CCR #2083*

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Organization: Puget Soundkeeper

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“For the record, my name is Chris Wilke, Executive Director at Puget Soundkeeper in Seattle, Washington, and thank you for hearing my testimony today. Puget Soundkeeper represents 3,000 members, supporters, and volunteers who care deeply about the health of Puget Sound and its surrounding waters. In particular, many of our supporters are motivated by a desire to keep their access to safe and abundant local seafood, as well as to preserve this legacy for future generations. Puget Soundkeeper will be submitting written comments to supplement the testimony I'm giving today.

In section 101 of the Clean Water Act it states that it is the national goal that discharges of pollutants be eliminated to the nation's waters by 1985. While we have made progress, we clearly have a long ways to go before reaching this goal. Setting strong standards is the first step to improve our efforts over time. It is time to revise the water quality criteria for human health for the State of Washington.

As the Department of Ecology knows very well, this is an issue that has stalled in the State of Washington for many years. Ecology is also aware of the strong influence that polluting industries have on policy making at the state level around this issue as much as any another. Ecology is also aware of the social justice implications of this issue for many in Washington, especially treaty tribes, Asian Pacific Islanders, and recreational fishers. Access to safe local seafood is of paramount concern for their well- being.

In light of these considerations, we applaud Ecology for taking action to draft a new revised rule that recognizes the higher consumption rate of 175 grams a day while maintaining cancer risk rates of ten to the minus six, and for scrapping the earlier draft rule that called for raising the cancer risk rate by a factor of ten; however, this will be empty progress if this rule proceeds as written in exempting certain chemicals like PCBs and mercury, which are precisely the two chemicals that are responsible for the vast majority of fish consumption advisories issued by the Department of Health. Even though there are many sources of these pollutants, including ones that would not necessarily be regulated by this rule, the existing fish consumption advisories are evidence that our waterways have lost any assimilative capacity for these chemicals and that it is time to act.

Beyond failure to make progress, this new rule will actually be a step backwards in terms of protecting human health if we keep the same standards for mercury and PCBs while simultaneously adding implementation loop holes such as intake credits and unlimited timelines for variances and compliance schedules. I also understand that this would weaken the other water quality rules by applying the same unlimited timelines and variances to other water quality rules.

EPA has proposed a rule that doesn't take these dangerous paths and this is a strong indication that they would likely reject this rule. This would only result in a further delay in finalizing the rule, which would exacerbate the pollution problems and benefit only one set of parties, the polluters. Every day of delay is potentially a five to ten year delay because Ecology issues pollution discharge permits on five year cycles. They also write compliance schedules to give industries more time. This issue has long-term consequences as PCBs, and mercury, and other chemicals take a very, very long time, in some cases generations, to get out of the environment.

A quick review of the Department of Health's website reveals that consumption advisories have been issued for 18 major waterways in our state. Of these 18, all but one waterway have a fish consumption advisory for either PCBs or mercury, and many have advisories for both. 84% of the waterways, of the listed waterways, are listed for PCBs, and 44% are listed for mercury. In addition, every waterway in the state that supports bass, a popular sport fish, has a mercury advisory.

Under the Clean Water Act, every man, woman, and child has a right to go down to a local waterway, catch a fish, and bring it home for dinner, feed it to their family, and expect it to be free of toxic pollution. There's no exempt status allowed. Our waterways are either clean or they must be cleaned up. How can Ecology, in good conscience, exempt the very chemicals that are poisoning us the most? We ask that Ecology let the EPA move forward to finalize their draft rule to strength the protections needed to protect Washington's fish consumers. Setting the strong standard now is the step to controlling pollution and reducing the risk that is already present for fish consumers in Washington State. Thank you."